

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FEB 13 2020

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS RYAN MACKEY,

Defendant.

4:20CR104 HEA/PLC

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Katharine Dolin, Special Assistant United States Attorney for said District, and moves this Court to order Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is charged with Felon in Possession of a Firearm in violation of 18 U.S.C. §922(g)(1), an offense for which a maximum 10-year imprisonment is prescribed under Title 18.
2. According to St. Louis Metropolitan Police Department Incident Report CN 19-051024, On October 11, 2019, St. Louis Metropolitan Police Officers Kubel and Harris received a call about a subject occupying a green vehicle refusing to leave the parking lot of a business and acting antagonistically to the store owner while displaying a firearm. Upon arrival, officers noted a green Ford Mustang idling in the lot. Officers observed a person matching the description the caller provided standing next to the rear passenger side of the vehicle. Officers asked if the car was his vehicle and he stated it was not and walked away. Officers observed what appeared to be a stock of an assault rifle through the window. A search of the plates of the vehicle showed that they were assigned to a Dodge Charger and were owned by Nicholas Mackey,

who had warrants for his arrest. Officers inventoried and towed the vehicle. The inventory search revealed a green backpack on the passenger floorboard containing 6 photos, 2 bags of marijuana (19.07g), 1 sandwich bag containing methamphetamine (.71g), 1 fake tea can for storage, 1 box of sandwich bags, 9 live 28-gauge shotgun cartridges, 63 live 5.56 cartridges, and 110 live 9mm cartridges. At the gear shift, there was a scale. Officers found Mackey's identification and a loaded 9mm magazine in the console. A Spike's Tactical ST15 .223 semi-automatic pistol was found in the back passenger seat well, standing upright and leaned against the center portion of the car. Officers identified Mackey as the subject standing next to the car and the person in the photos from the backpack. A computer check revealed Mackey is a convicted felon.

3. Defendant's criminal history reflects that he has findings of guilt including, but not limited to, the following:

11/13/15	15SL-CR03353-01	Poss C/S (C fel)	SIS
7/9/18	15SL-CR08266-01	Rec Stolen Prop (C fel)	SIS, rev 1/25/19, 7 SES 3
11/4/16	1522-CR05246-01	Endangering 1 st (C fel)	SIS, rev 6/22/18, 7 SES 5
11/4/16	1522-CR05246-01	Resisting Arr (D fel)	SIS, rev 6/22/18, 4 SES 5
6/22/18	1822-CR00417-01	Resisting Arr (E fel)	4 SES 5
6/22/18	1822-CR00417-01	Resisting Arr (E fel)	4 SES 5
6/22/18	1822-CR00417-01	Poss C/S (D fel)	7 SES 5

4. Defendant's criminal history also reflects arrests not resulting in convictions including, but not limited to, the following: assault 1st (B fel) (6cts), domestic assault 2nd degree (C fel) (2cts), domestic assault 3rd degree (A misd) (7 cts), domestic assault 4th degree (A misd), domestic assault (ord) (2cts), tampering 2nd (A misd), possession <35g MJ (A misd) (2 cts), unlawful use of a weapon (D fel) (5cts), dist/manuf/del controlled substance (B fel), possession defaced firearm (B misd), leaving the scene of an accident (ord) (3cts), possession MJ (ord), controlled substance in a jail (C fel), driving while revoked (ord), theft >\$500 (C fel), theft < \$500 (A misd), armed criminal action (fel) (6 cts), violation order of protection for adult (A misd), kidnapping 2nd (D fel), and probation violation (fel) (2 cts).

5. Defendant's arrest history includes a large amount of violent crimes which show a danger to the community. His history of resisting arrest indicates a threat to law enforcement and the public alike.

6. Defendant has at times used two different social security numbers and two different birth dates, as well as spelling his first name in a variety of ways. His use of deceptive practices in the past reflects a heightened flight risk.

7. Defendant committed this offense while on state probation. Defendant has also before been arrested for a probation violations. Defendant's inability to comply with the law while on probation and parole is indicative of his danger to the community and risk of flight were he to be released on bond in this case.

8. There is a serious risk that Defendant will flee, given Defendant's history of flight from law enforcement, his failure to comply with supervision while on probation, and the potential sentence Defendant faces in this case.

9. Defendant's criminal history and the nature and circumstances of the offense charged reflect that there is a serious danger to the community that would be posed by Defendant's release. Further, there are no conditions or combination of conditions that will reasonably assure Defendant's appearance as required.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Katharine A. Dolin
KATHARINE A. DOLIN, #64817MO
Special Assistant United States Attorney